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SUBJECT: GUATEMALA HUMAN RIGHTS UPDATE #3-2004

1. (SBU) Summary: The following is an update of significant recent developments in human rights. Topics include:

-- Cutbacks in Special Prosecutor's Office for Human Rights (para 2 and 3)

-- Rosalina Tuyuc to Head Presidential Reparations Committee (para 4)

-- CALDH Kidnapping (para 6)

-- Environmentalist Threatened (para 7)

#### Cutbacks in Human Rights Office

2. (SBU) In mid-March, New Attorney General Juan Florido Solis reportedly informed Thelma de Lam, Special Prosecutor for Human Rights, that the staff of her office would be cut from the 60 that were employed under De Leon to 4, two Attorneys and two assistants. Although we have yet to see whether the reduction will be that dire, 37 employees have been let go thus far. In comparison to other sections in the Public Ministry, the Human Rights Prosecutor's Office was overstaffed and Florido told the Ambassador that the reductions addressed an internal perception from the other prosecutors of preference for De Lam under the previous Attorney General. More concerning, according to De Lam, security for all of the Attorneys was withdrawn March 11. Florido has also cut all funds for witness protection. (NB: Every public institution is coping with a 30% budget reduction, part of a government-wide austerity program.)

3. (SBU) The loss of funding for witness protection is already having an impact. Two witnesses in the murder of CONAVIGUA's Manuel Garcia refused to testify after rocks were thrown through their windshield amidst yelled threats as they traveled to the trial. Without their testimony, the case was lost. The witnesses in the murder of Padre Chemita also refused to testify without protection, stalling that case indefinitely.

4. (SBU) Florido was vocally supportive of Human Rights in his first meeting with the Ambassador and we do not perceive these cutbacks as a deliberate attempt to slow the office's investigations, but as a response to pressure from the Executive to scale back spending and a managerial attempt to address earlier in-house favoritism. However, Florido's cutbacks will likely be perceived as a step backwards by the human rights community. De Lam, who is seven months pregnant, stated that she would likely resign in August, after her two months of permitted maternity leave. We will continue to engage Florido on the work of this office, the importance of employee and witness protection in effectively investigating and prosecuting cases, and the selection of a new Special Attorney for Human Rights if/when De Lam should leave.

#### Rosalina Tuyuc to head Presidential Reparations Commission

4. (U) After a large protest on agrarian and reparations issues on March 30, Berger confirmed the nomination of Rosalina Tuyuc (an established indigenous leader, close to the URNG, who runs CONAVIGUA, a organization for widows of the civil conflict) as the leader for the Presidential Reparations Commission for the Victims of War. The Commission's principal objective will be to negotiate the amount and distribution of compensation for surviving family members of victims in the civil war. Tuyuc's long-awaited appointment follows a bitter internal struggle between the two primary human rights coalitions in Guatemala and may result in further contention during Commission discussions.

#### CALDH Driver Kidnapped

5. (SBU) On March 10, a driver from the Center for Legal Action on Human Rights (CALDH) was kidnapped outside the organization's building. The driver was beaten and released after an hour of being questioned by disguised assailants about the organization. CALDH reported the crime to the Public Ministry, but no progress has been made on the investigation. The incident was followed by several break-ins at other human rights NGOs the same week, provoking

suspicion among human rights defenders that the same individuals were responsible.

#### Environmental Threatened -----

16. (U) Eloda Mejia, a leading environmentalist whose organization, Amigo de Izabal, works with indigenous villagers in El Estor, Izabal, has received an escalating number of death threats in the last two months. On February 21, Mejia organized a public forum on the environmental effects of nickel mining, a prominent industry in the area. The mayor of the town (who is allegedly determined to protect the mining company's interests) planned a large protest of the forum, during which threats were made against Mejia's life. De Lam, Special Prosecutor for Human Rights, noted that the Public Ministry did not have the resources to travel to Izabal for an investigation. However, Mejia reportedly is being accompanied by an American from the Peace Brigades.

HAMILTON